

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Mary C Moscone v Edward James Kreski**
Docket No. **259879**
L.C. No. **2001-007223-DS**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),
orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the order being appealed is a post domestic relations order that does not affect the custody of a minor. MCR 7.202(6)(a)(i), MCR 7.202(6)(iii), and MCR 7.203(A). The MCR 7.202(6)(a)(i) final order was the September 9, 2003 order that determined child support. Appellant failed to file a claim of appeal within 21 days of that order as required by MCR 7.204(A)(1)(a). The Court is aware of the language at the end of that order. However, the question of whether an order is a final order is an question of law that is determined de novo by this Court. This Court had already determined in docket number 247468, that a final order would be entered once child support was determined. Yet, the appellant did not follow the instructions of this Court given in docket number 247488. As for the last order entered in the case, this Court determines that the order involves parenting time, not custody, and thus does not fall within MCR 7.202(6)(a)(iii).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 7 2005

Date

Sandra Schultz Mengel
Chief Clerk